

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13207 of Hantho Associates, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against adding to a non-conforming structure which exceeds the percentage of lot occupancy and floor area ratio requirements (Paragraph 7107.21) to permit an addition to the roof of an eight unit apartment house in an R-5-B District at the premises 1737 Willard Street, N.W., (Square 151, Lot 191).

HEARING DATE: April 16, 1980  
DECISION DATE: May 7, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of Willard Street between 17th and 18th Streets, N.W. and is known as 1737 Willard Street, N.W. It is in an R-5-B District.
2. The subject site is approximately 2,948 square feet in area and is improved with a three story apartment building. A fifteen foot wide public alley adjoins the subject property to the west and a three story apartment building adjoins the property on the east. The majority of the structures on the subject block are three-story row dwellings. There are, however, four larger apartment buildings including two six-story apartment buildings located at the intersection of Willard and 17th Streets. To the rear of this site is a ten foot wide public alley and the rear yards of row dwellings which front on U Street.
3. The applicant is remodelling the subject building which will contain six two-bedroom units and two one-bedroom units. The units will be sold as condominiums. Prior to the remodelling the building contained seven units.
4. Plans for the renovation include the construction of a thirty-five foot long by seventeen foot roof deck and a stair enclosure to allow access to the deck from the interior stairwell.
5. The proposed roof deck will cover approximately one-fourth of the roof area of the building. The railing of the deck will extend approximately four feet above the parapet wall.
6. The stair enclosure measures approximately ten feet by four feet. The ridge of the stair enclosure is located near the center of the roof, 19.5 feet removed from the front of the building and 15.25 feet removed from the western wall of the building. The top of the stair enclosure is approximately 9.5 feet above the adjacent roof at its highest point and seven feet above the nearest parapet wall.

7. The structure to which the deck and stair enclosure is to be added is presently non-conforming regarding the percentage of lot occupancy and allowable gross floor area.

8. The proposed addition does not increase the percentage of lot occupancy nor the gross floor area of this property.

9. The Office of Planning and Development by report dated March 25, 1980 recommended that the application be approved. The Office of Planning and Development noted that the existing structure is non-conforming with regard to the percentage of lot occupancy and the gross floor area of the structure. The proposed roof deck and enclosed stairwell addition do not add to the non-conformity of the structure. The Office of Planning and Development further noted that the enclosed stairwell will not be visible from the sidewalk on the south side of Willard Street and that the open deck is situated to the rear of the structure. OPD did not believe this proposed addition will have any adverse impacts on adjacent or nearby properties and recommends that this application be approved. The Board so finds.

10. The Dupont Circle Citizens Association testified at the public hearing that it did not appose the subject application. It favored the proposed amenities for the residents of the building. It cautioned however that the remedy should be by a special exception rather than a variance since the Board could then monitor the use of the roof deck as to noise, any adverse affect as to light and air on adjoining properties or other deleterious affects. It noted that other builders were providing roof decks without coming before the Board for approval. The Board concurs but finds that the applicant has filed the application under the sections cited by the Zoning Regulations Division and that the relief is appropriate to achieve the proposed addition.

11. There was no opposition to the application at the public hearing. There were several letters on record in opposition on the grounds of an increased density and traffic impact on the neighborhood. In addressing these concerns, the Board notes that the application was advertised as a ten unit apartment house. The OPD has confirmed that there will be eight units. The one extra unit will not create any unreasonable traffic impact. The proposed roof deck itself will not increase the density.

12. There was no report from Advisory Neighborhood Commission 1C.

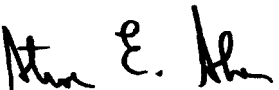
CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking an area variance the granting of which requires a showing of a practical difficulty upon the owner of the property that is inherent in the property itself. The Board notes that the subject property is non-conforming in that it exceeds the lot occupancy and FAR requirements of the current Zoning Regulations. The Board further notes that the proposed roof deck and enclosed stairwell will not add to the non-conformance of the subject structure. The Board concludes that the practical difficulty is inherent in the property itself. The Board further concludes that from the siting of the deck the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune and Leonard L. McCants to grant, Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: \_\_\_\_\_

7 JUL 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.